

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

IN RE NEW ENGLAND COMPOUNDING  
PHARMACY, INC. PRODUCTS  
LIABILITY LITIGATION

MDL No. 2419  
Dkt. No. 1:13-md-2419 (FDS)

THIS DOCUMENT RELATES TO:

All Actions

**REVISED JOINT MOTION FOR ORDER TO SET BRIEFING SCHEDULE AND  
REQUEST FOR ORAL ARGUMENT**

The Plaintiffs' Steering Committee (the "PSC") and counsel for the following parties: BKC Pain Specialists, LLC, Adil Katabay, M.D. and Nikesh Batra, M.D. (collectively, the "BKC Defendants"), conferred in order to establish a revised briefing schedule for the BKC Defendants' Rule 12(b)(6) Motion to Dismiss (Dkt. 896). As a result, the parties have agreed to the following revised briefing schedule:

1. The PSC will file its Opposition to the Motion to Dismiss filed by the BKC Defendants no later than **March 21, 2014**;
2. The BKC Defendants will file a Reply to the PSC's Opposition to the Motion to Dismiss no later than **April 4, 2014**; and
3. If necessary, the PSC may file a sur-reply to the Reply to the PSC's Opposition to the Motion to Dismiss filed by the BKC Defendants no later than **April 18, 2014**.

The parties respectfully request that the Court enter the attached order to formalize the above-described revised briefing schedule.

In addition, pursuant to Local Rule 7.1(d), the parties request that the Court reserve a date for oral argument of the above-referenced Motion to Dismiss.

Dated: February 21, 2014

**Respectfully submitted,**

/s/ Kimberly A. Dougherty

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**CERTIFICATE OF SERVICE**

I, Kimberly A. Dougherty, hereby certify that I caused a copy of the foregoing *Revised Joint Motion for Order to Set Briefing Schedule and Request for Oral Argument*, to be filed electronically via the Court's electronic filing system. Those attorneys who are registered with the Court's electronic filing system may access these filings through the Court's system, and notice of these filings will be sent to these parties by operation of the Court's electronic filing system.

Dated: February 21, 2014

/s/ Kimberly A. Dougherty  
Kimberly A. Dougherty  
BBO #658014

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**ORDER**

On February 21, 2014, the Plaintiffs' Steering Committee and counsel for BKC Pain Specialists, LLC, Adil Katabay, M.D. and Nikesh Batra, M.D. (collectively, the "BKC Defendants") filed a Revised Joint Motion for Order to Set Briefing Schedule and Request for Oral Argument (the "Motion"). The Court finds good cause for the Motion and hereby grants the Motion and orders as follows:

1. The PSC will file its Opposition to the Motion to Dismiss filed by the BKC Defendants no later than **March 21, 2014**;
2. The BKC Defendants will file a Reply to the PSC's Opposition to the Motion to Dismiss no later than **April 4, 2014**;
3. If necessary, the PSC may file a sur-reply to the Reply to the PSC's Opposition to the Motion to Dismiss filed by the BKC Defendants no later than **April 18, 2014**.
4. Oral argument of the subject motions is scheduled for \_\_\_\_\_.

**So Ordered.**

\_\_\_\_\_  
Rya W. Zobel  
United States District Judge

Dated: \_\_\_\_\_, 2014